

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: EPHEDRA PRODUCTS LIABILITY :
LITIGATION :
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: :
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04 M.D. 1598 (JSR)

PERTAINS TO ALL CASES

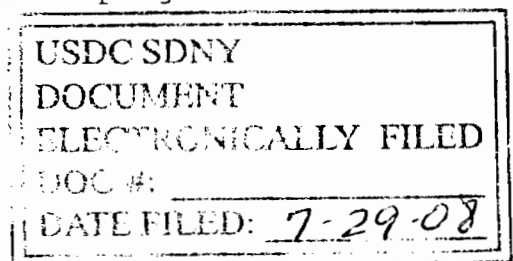
STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.48)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on July 14, 2008, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be at 4:30 pm on the new date of Thursday, September 11, 2008.

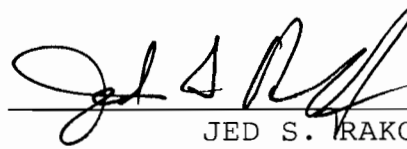
2. Upon the Court's own motion with notice, the 23 cases listed in the Exhibit annexed to this order are dismissed with prejudice. The Court's motion to dismiss was unopposed in 19 of the cases. Opposition papers were filed by counsel for plaintiffs in four nearly identical putative class actions alleging violations of state consumer fraud statutes: Abrams v. General Nutrition, No. 06 Civ. 7881; Shawn Brown v. General Nutrition, No. 07 Civ. 6356; Harry Rodriguez v. GNC, No. 06 Civ. 2987; and Toth v. Bodyonic, No. 07 Civ. 2721. After hearing oral argument, the Court dismissed these cases with prejudice because



of plaintiffs' failure to prosecute them as required by briefing schedules set by the Court and applicable case management orders.

3. A motion by Howard W. Erichson, professor of law at Fordham University, for payment of \$30,000 for ethics consultations in connection with the Metabolife and NVE mediations was granted as unopposed. A separate order will issue directing the Clerk to make the payment from the Ephedra Plaintiffs' Common Expense Fund.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'JED S. RAKOFF', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 26, 2008

EXHIBIT to Case Management Order No.48

CASES DISMISSED WITH PREJUCICE

Miles v. Bayer Corp., No. 02 Civ. 8574
Louis Stevens v. Vitafree, No. 05 Civ. 3895
Diane Nix v. Metabolife, No. 05 Civ. 3902
Morse v. Muscletech Research & Development, No. 05 Civ. 5979
Rusell Austin v. BDI, No. 05 Civ. 6934
Jason Hill v. NVE, No. 05 Civ. 10080
Hasani Jones v. HVL Inc., No. 06 Civ. 0088
June Thomas v. Costco Wholesale Corp., No. 06 Civ. 1366
Harry Rodriguez v. GNC, No. 06 Civ. 2987
Doucette v. Metabolife International Inc., No. 06 Civ. 4481
Cate v. MII Liquidations, No. 06 Civ. 4508
Chapman v. Alpine Health Products, LLC, No. 06 Civ. 4539
Rebecca Welty v. MII Liquidations, No. 06 Civ. 6627
Joseph Salser v. MII Liquidations, No. 06 Civ. 6629
Audrey Meadors v. MII Liquidations, No. 06 Civ. 6631
Bonnie Simmons v. MII Liquidations, No. 06 Civ. 6655
Sherida Miller v. Premier Marketing et al., No. 06 Civ. 6659
Everett Abrams v. General Nutrition, No. 06 Civ. 7881
Taylor v. National Urological Group Inc., No. 06 Civ. 13041
Cowsert v. Nutrition & Fitness, Inc., No. 07 Civ. No. 0484
Spicer v. New Image International, Inc., No. 07 Civ. 1084
Andrew Toth v. Bodyonic, No. 07 Civ. 2721
Shawn Brown v. General Nutrition, No. 07 Civ. 6356